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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,665	04/27/2000	DAVID WILKINS	60021-359701	4368

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/560,665	Applicant(s) WILKINS ET AL.	
	Examiner Jonathan Ouellette	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008 and 22 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-12 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20080422</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The Request filed on 4/22/2008 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/560,665 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. Claims 1, 2, 4-7, 9-12, and 14-21 remain pending in application 09/560,665.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 4, 6, 7, 9, 11, 12, 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polk (US 5,946,669) in view of United States Code governing child support payments, particularly 42 U.S.C. §666(b) and 15 U.S.C §1673 (b).**
5. As per **independent Claims 1, 6, and 11**, Polk discloses a method for providing a network-based child financial support framework for facilitating communication between employers, custodial parents, and non-custodial parents (payment facilitation from non-custodial parent (employee) to employer (collector) to accumulator to custodial parent), abstract, Fig.4),

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comprising the steps of: (a) maintaining a database including information on a received financial support payment utilizing a network (200); (b) providing general information relating to the financial support payment utilizing the network (Figs.5-7, C9 L34-46, Claims 1-8); and (d) displaying a history associated with the financial support payment (C14 L21-26, C14 L48-50).

6. Although, Polk does disclose (c) calculating a proper amount of the financial support payment (1810, Fig.18; C17 L57-66), wherein a first portion of the profile (payment information – amount, date, etc., C14 L21-30) is received from the user across the network and a second portion of the profile is received from the database (Initiator Database, C14 L35-40; Disbursement Database, C14 L35-57), and wherein the user may change the data in the second portion of the profile (C14 L21-57 – once payment is made the Disbursement database (payments made/disbursed - second profile) is updated to reflect historical information).
7. Polk fails to expressly disclose, wherein the financial support payment is based on a profile of a user and based on an amount paid to date from a non-custodial parent, and wherein the profile includes data relating to *at least one of* income, number of children, basic support, insurance premium, child care cost, and additional expenses.
8. However, United States Code governing child support payments discloses wherein the financial support payment is based on a profile of a user and based on an amount paid to date from a non-custodial parent, and wherein the profile includes data relating to *at least one of* income, number of children, basic support, insurance premium, child care cost, and additional expenses (see specific portions cited in rejection issued by the BPAI on 2/28/2007)

9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included calculating a proper amount of the financial support payment based on a profile of a user and based on an amount paid to date from a non-custodial parent, wherein the profile includes data relating to at least one of income, number of children, basic support, insurance premium, child care cost, and additional expenses, and wherein the user may change the data in the profile, as disclosed by United States Code in the system disclosed by Polk, for the advantage of providing a method for providing a network-based child financial support information site that complies with federal law.
10. Furthermore, Polk fails to expressly disclose providing an interface configured to allow the custodial parent to retrieve tracking information for the financial support payment and a plurality of historical financial support payments previously schedules to the custodial parent, said tracking information including payment status, payment amount due, payment amount received, payment date, payment receipt date, payment sent date, payment available withdrawal date, and payment case number, said tracking information further including reasons why a scheduled financial support payment was not dispersed if the scheduled financial support payment has not been received by the custodial parent.
11. However, Polk does disclose tracking payment and disbursement information for individual initiators (parents/employees) (C9-10), and wherein the saved information is available to terminal devises (C10, Fig.7), and it would have been obvious to include/provide a plurality of information/data types – as such information types are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The child financial support system would be performed regardless of the type of information saved for later

display to the users. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included providing an interface configured to allow the custodial parent to retrieve information related to financial support payments and histories in the system disclosed by Polk, for the advantage of providing a method for providing a network-based child financial support information site with the ability to increase customer service and account reliability by providing the users with the ability to verify and review account transaction information. (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).
13. As per Claims 2, 7, and 12, Polk and United States Code disclose wherein the network includes the Internet.
14. As per Claims 4, 9, and 14, Polk and United States Code disclose wherein the history includes a date (Polk: Fig.9b), an amount received on the date (Polk: Fig.9b), and a disbursement of the amount received (Polk: 725) to the custodial parent (Polk: recipient 250).
15. Although neither Polk nor United States Code expressly disclose displaying an amount retained of the amount received, it is inherent in the system disclosed by Polk, that if the amount received and the disbursement amount are tracked, then the amount retained is also tracked, because it is a function of the amount received and the disbursement amount.

16. As per new Claims 16, 18, and 20, Polk and United States Code disclose providing an interface configured to allow custodial parent to retrieve information related to the financial support payment and a plurality of historical financial support payments previously scheduled to the custodial parent further comprising determining a status of said information (see rejection of independent claims – receiving/verifying saved information obvious based on teachings of Polk).
17. As per Claims 17, 19, and 21, Polk and United States Code disclose providing an interface configured to allow custodial parent to retrieve information related to the financial support payment and a plurality of historical financial support payments previously scheduled to the custodial parent further comprising submitting questions regarding said information and receiving answers to said questions (see rejection of independent claims – receiving/verifying saved information obvious based on teachings of Polk; C10 L33-46, Fig.7, asking questions and receiving answers – equivalent to requesting and receiving data).
18. **Claims 5, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polk (US 5,946,669) in view of United States Code governing child support payments, particularly 42 U.S.C. §666(b) and 15 U.S.C §1673 (b), and further in view of Single Parent Central (www.singleparentcentral.com, Retrieved from Internet Archive Wayback Machine <www.archive.org>, date range: 10/13/1999-1/19/2000).**
19. As per Claims 5, 10, and 15, Polk and United States Code Single Parent Central disclose presenting a plurality of frequently asked questions relating to the financial support payment.
20. However, Single Parent Central discloses a website for helping users with custodial payment processes, to include frequently asked questions (www.singleparentcentral.com).

21. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included presenting a plurality of frequently asked questions relating to the financial support payment, as disclosed by Single Parent Central, in the system disclosed by United States Code, in the system disclosed by Polk, for the advantage of providing a method for providing a network-based child financial support information site with the ability to increase customer service and user friendliness, by providing the user with all information necessary to successfully complete the financial support process.

Response to Arguments

22. Applicant's arguments filed 3/24/2008, with respect to Claims 1, 2, 4-7, 9-12, and 14-21, have been fully considered but not persuasive. The rejection will remain as Non-Final, based on the cited prior art.
23. As per Applicant's arguments, the Applicant is directed to the revised rejection above.

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

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26. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

May 16, 2008

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629